

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

ORDER

This matter came before the Honorable Geoffrey W. Barnard, United States Magistrate Judge, on Friday, March 28, 2008, for a detention hearing pursuant to 18 U.S.C. §3142. The defendant was arrested pursuant to a warrant issued by the Honorable Raymond L. Finch, District Court Judge, for violation of the conditions of his supervised release. The defendant is seeking release pending his revocation hearing. The Government was represented by Jason Cohen, Assistant United States Attorney, and the defendant was represented by Jesse A. Gessin, Assistant Federal Public Defender.

The Government offered no testimonial evidence, but proffered the court's and the probation office's records from the United States District Court, Middle District of Florida.

The defendant presented four witnesses who testified on his behalf. The defendant's sister, Ms. Jerlisha Warner, testified that she would be willing to be a third-party custodian for the defendant. She further testified that she lives in Tutu High-rise

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in a two-bedroom apartment with her mother and that she works at St. Thomas Radiology.

The court also heard testimony from Ms. Catherine Abraham, the defendant's mother. Ms. Abraham testified that she works at the Perfume Place, that she has a home telephone and is willing to be the defendant's third-party custodian. Ms. Abraham further testified that the defendant is not a risk of flight and is not a danger to the community.

The defendant also solicited testimony from Mr. Joseph Abraham, the defendant's grandfather and Mr. Leno Abraham, the defendant's uncle, both testified that the defendant does not present a risk of flight and is not a danger to the community.

Title 18 U.S.C. § 3142 authorizes the court to detain a defendant if the court is convinced that there exists a serious risk that the defendant will flee the jurisdiction and there are no conditions that will assure the defendant's appearance at future proceedings or that the defendant presents a danger to the community or to other persons.

A reading of the records from the court and probation office files received from the United States District Court, the Middle District of Florida, indicates that the defendant was arrested on November 22, 2007, as a result of an incident that occurred on that day and charged with domestic battery on a pregnant person,

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domestic assault, actual or constructive possession of illegal drugs, armed possession of illegal drugs, use or possession with intent to use drug paraphernalia, resisting officer without violence, possession of a firearm, ammunition or destructive device, and failure to notify the probation officer within seventy-two hours after being arrested or questioned by a law enforcement officer. On December 20, 2008, the defendant pled guilty to Possession of a Firearm by a Convicted Felon and was sentenced to twenty-eight days.

The records further indicate that on January 2, 2008, the defendant was arrested pursuant to an arrest warrant issued by Judge Finch had an initial appearance before the Honorable Howard T. Synder, U.S. Magistrate Judge, Middle District of Florida. On January 4, 2008, the defendant had a detention hearing before Magistrate Judge Synder, who ordered that the defendant be detained based on the nature of the charges brought against him as a result of the November 22, 2007 incident and his subsequent conviction for possession of a firearm by a convicted felon.

Although the defendant presented a viable third-party custodian and is now in the community where he has significant ties, the defendant has not presented sufficient evidence to persuade this court to modify the Detention Order entered by the Honorable Howard T. Synder, U.S. Magistrate Judge, on January 4,

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2008. In accordance with the January 4, 2008 Order, it is hereby

ORDERED that the defendant will be held to answer in the District Court of the Virgin Islands to the charges of violating title the conditions of his supervised release; it is further

ORDERED that the defendant will be detained, without prejudice, and will be committed to the custody of the United States Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; it is further

ORDERED that on order of the court or on request of the United States Attorney, the Warden of the Bureau of Corrections will deliver the defendant to the United States Marshal for the purpose of appearance in connection with court proceedings; and it is further

ORDERED that the defendant will be allowed reasonable opportunity for private consultation with his counsel.

DATED: March 31, 2008

/s _____
GEOFFREY W. BARNARD
U.S. Magistrate Judge

ATTEST:
Wilfredo F. Morales
Clerk of Court